

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
2 NORTHERN DISTRICT OF MISSISSIPPI  
3 OXFORD DIVISION

4 MICHAEL THOMPSON

PLAINTIFF

5 VS.

NO. 3:14cv274NBB-SAA

6 CALVIN HAMP, in his individual  
7 capacity and in his official  
8 capacity as sheriff of Tunica  
9 County, MS, JAMES JONES, in his  
individual capacity and in his  
official capacity as a captain in  
Tunica County sheriff's office, and  
UNKNOWN DEFENDANTS "A", "B" AND "C"

DEFENDANTS

10  
11 \*\*\*\*\*  
12 DEPOSITION OF SHERIFF CALVIN K. HAMP, SR.  
13 \*\*\*\*\*  
14  
15

16 TAKEN AT THE INSTANCE OF THE PLAINTIFF  
IN THE OFFICES OF TUNICA COUNTY SHERIFF'S DEPARTMENT  
17 5126 OLD MHOON LANDING ROAD, TUNICA, MISSISSIPPI  
ON NOVEMBER 29, 2016, BEGINNING AT 2:16 P.M.

18 APPEARANCES NOTED HEREIN  
19  
20

21 Reported by: REGINA D. RUSSELL, RPR, CCR 1110

22  
23 ADVANCED COURT REPORTING  
P.O. BOX 761  
TUPELO, MS 38802-0761  
24 (662) 690-1500  
25

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1 APPEARANCES:

2 For the Plaintiff:

E. CARLOS TANNER, III,  
ESQUIRE

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5 For the Defendants:

6 MICHAEL J. WOLF, ESQUIRE  
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9 Also Present:

10 JAMES JONES

11  
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1                   CALVIN K. HAMP, SR., after being  
2 duly sworn, testified as follows:

3                   EXAMINATION

4 BY MR. TANNER:

5                 Q. Sheriff Hamp, we're here today in Michael  
6 Thompson versus Calvin Hamp, James Jones and  
7 Defendants, Unknown Defendants "A", "B" and "C".  
8 That's Civil Action Number 3:14cv274-NBB-SAA, in the  
9 United States District Court for the Northern  
10 District of Mississippi, Oxford Division. And we're  
11 here today beginning the deposition of Defendant  
12 Calvin Hamp, the sheriff of Tunica County. This  
13 deposition is being taken down by a certified court  
14 reporter, Ms. Regina D. Russell. And Mr. Hamp is  
15 present with his attorney, the Honorable Michael  
16 Wolf, Michael J. Wolf.

17                 Now, Sheriff Hamp, as you know, the court  
18 reporter is taking down everything that's being  
19 asked, asked by me and answered by you. Your  
20 attorney is present and he has the right to object to  
21 certain questions. He knows what he can and cannot  
22 object to. But unless you're instructed by your  
23 attorney not to answer, even if he objects, you'll  
24 still have to give an answer in most circumstances.  
25 All we're looking for is for you to give truthful

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1 answers to the best of your ability to all the  
2 questions I ask. And as you know, you've testified  
3 at least once in this case or in a related criminal  
4 case, a misdemeanor charge that was charged against  
5 Michael Thompson in two separate courts previously.  
6 So as you are aware, there's already a transcript of  
7 both of those proceedings.

8 A. I am familiar, sir.

9 Q. Yes, sir. As you're aware, there are  
10 transcripts of both of those proceedings, so we  
11 already have a written record of what you've  
12 testified in the past. And so this deposition will  
13 be shortened, I just want to fill in some things that  
14 I had questions about related to your prior  
15 testimony.

16 A. Yes, sir.

17 Q. All right. Are you aware that at any time  
18 if you need to consult with your lawyer about  
19 anything, you know, if you feel that way just let me  
20 know and we'll take the time for you to be able to  
21 consult with your lawyer.

22 A. Yes, sir.

23 Q. And if there's anything -- from time to  
24 time I speak a little too fast or a little too slow.  
25 If there's anything about what I say that you don't

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1 understand, will you please just let me know that you  
2 need me to repeat it or explain it or ask my question  
3 in a different way?

4 A. I most certainly will.

5 Q. Okay. All right. So I want to start at  
6 the beginning. You have been the sheriff of Tunica  
7 county since 2004?

8 MR. WOLF: Let me enter a quick -- I  
9 request we stipulate that the deposition is taken  
10 pursuant to the Rules of Civil Procedure. The  
11 objections to form shall be stated on the record.  
12 We'll have an opportunity to correct. And subsequent  
13 objections are reserved for later at trial if  
14 necessary or other pleadings, and that the witnesses  
15 will read and sign.

16 MR. TANNER: So noted.

17 Q. (Mr. Tanner) So you've been sheriff of  
18 Tunica County since 2004?

19 A. Yes, sir. That's correct.

20 Q. All right. Were you elected?

21 A. Elected. Yes, sir.

22 Q. Each of your terms of office were elected;  
23 you were never appointed?

24 A. Never appointed, always elected.

25 Q. Okay. What experience did you have in law

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1 enforcement prior to becoming sheriff of Tunica  
2 County?

3 A. I had done work with the Tunica County  
4 Sheriff's Office for nine years. I started a few  
5 months in corrections in 1994, July 1. I graduated  
6 from the Mississippi Police Academy at Pearl -- well,  
7 I'm sorry, not the police academy, the Mississippi  
8 Law Enforcement Officer Academy at Pearl in 1996.

9 Q. Okay.

10 A. I had the rank as patrol supervisor,  
11 internal affairs officer, as well as sheriff.

12 Q. All those positions you just told us about,  
13 were they here with Tunica County Sheriff's  
14 Department?

15 A. All my years has been here in Tunica  
16 County.

17 Q. Now, you mentioned previously or in  
18 previous testimony about a fleet safety management  
19 policy?

20 A. Yes.

21 Q. I want to talk about that for a moment.  
22 All right?

23 A. Okay.

24 Q. All right. Tell us what the fleet safety  
25 management policy is.

1           A. It's a policy that's in place by an  
2 insurance company. It's a liability policy for those  
3 employees for anyone operating a county vehicle. We  
4 have to make sure that their driver's license is up  
5 to par.

6 Q. All right. Now, you say it's a policy by  
7 the insurance company. Are you saying -- is it a  
8 written policy issued by the Tunica County Board of  
9 Supervisors or are you saying something different?

10       A. It's adopted by -- it should be adopted by  
11      the Tunica Board of Supervisors. We have an annual  
12      check for the county and twice a year for the  
13      sheriff's office. I'm the policy maker here.  
14      Therefore, I go a step beyond. Not only do the  
15      employees here have to submit their operator's  
16      driver's license, but I check their personally  
17      insured cars as well.

THE COURT REPORTER: Excuse me.

19 THE WITNESS: I said not only do they  
20 have to turn in their driver's license here so we can  
21 check them, I check their personal issuance on their  
22 own vehicle as well as they report in to work.

23 Q. (Mr. Tanner) Does the fleet safety  
24 management policy apply to all Tunica County  
25 employees or just a certain portion?

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1           A.     Anyone operating a county-owned vehicle.

2           Q.     All right. And when you say operating a  
3     county-owned vehicle, who authorizes a given employee  
4     in Tunica County to operate a Tunica County vehicle?

5           A.     On the board of supervisors they have the  
6     department heads, like the road manager, maintenance  
7     director, county administrator. They all fall under  
8     the county board of supervisors. As sheriff I  
9     authorize all my employees to operate vehicles. But  
10    to enforce the law I check civilians and sworn status  
11    here.

12          Q.     Okay. Now, you said you check. Are you  
13    the person that runs these licenses pursuant to --

14          A.     No, sir.

15          Q.     Let me finish my question so she can get  
16    the whole thing down.

17          A.     Okay.

18          Q.     And the other thing that it does, in  
19    addition to allowing her to get the whole question  
20    down, I don't want you to give an answer --

21          A.     I understand.

22          Q.     -- to part of my question and then I say  
23    something else so it throws off the meaning of what  
24    you're trying to convey. All right?

25          A.     Okay.

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Q. All right. So according to the fleet safety management policy, are you personally the one who checks those licenses?

A. No, I do not.

Q. All right. Who checks the licenses?

A. We have a lieutenant in place over our communications division who check all the licenses, either her or the tac officer.

Q. And who is that person, the first person you mentioned who checks licenses, who is she?

A. Lieutenant Pearlie Guice. She's over the dispatcher center here in Tunica County Sheriff's Office. She supervises 10, 11 employees.

Q. All right. Who is the other person that runs the licenses?

A. Evelyn Paige. She's the assistant tac officer.

THE COURT REPORTER: The first name?

THE WITNESS: Evelyn. E-V-E-L-Y-N,  
P-A-I-G-E. She's -- if the lieutenant doesn't run  
them then she'll assign that job to Evelyn Paige, who  
is the tac officer.

Q. (Mr. Tanner) Okay. Pursuant to your fleet safety management policy, how often are employees' driver's licenses and insurance checked?

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1           A.     Twice a year here.

2           Q.     All right. When you say twice a year, is  
3     it always the same two months?

4           A.     Every six months.

5           Q.     All right. So which months are those?

6           A.     I don't know exactly, but we do have an SOP  
7     in place whereas the thing about the lieutenant who  
8     checks them. It's in place. I mean, we have a  
9     uniform check. Now, what dates, I can't give you  
10    what dates because I have a total of over 100 plus  
11    employees here and I have division leaders, like a  
12    chief deputy who run the day-to-day operations. I  
13    have a lieutenant to run communications, a warden to  
14    run the jail, a commander in charge of internal  
15    affairs. I have the lieutenant again over  
16    communication, a major over EOC as well as a major  
17    over patrol and one over investigations. So we have  
18    a large operation. So my hands are not involved in  
19    the day-to-day operation of the Tunica County  
20    Sheriff's Office.

21           Q.     Okay. All right. So earlier you said SOP.  
22     For the record, SOP is standard operating procedure?

23           A.     That's correct.

24           Q.     Okay. So now, prior -- you are aware of  
25     who Michael Thompson, the plaintiff in this case is,

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1 right?

2 A. I am.

3 Q. All right. And in February of 2014, you  
4 know that Michael Thompson was the county  
5 administrator for Tunica County, right?

6 A. Yes, sir.

7 Q. Were you aware of when Michael Thompson was  
8 hired to be the Tunica County administrator?

9 A. I know Michael Thompson was -- I don't know  
10 the exact date when Michael Thompson was hired in as  
11 an auditor at first, and then after he was auditing  
12 the county there was some problems in-house with the  
13 board of supervisors and they relieved the former  
14 county administrator of his duties and they hired  
15 Michael Thompson full time.

16 Q. Okay. But as of February 12, 2014, he was  
17 still in that position as county administrator?

18 A. Yes, sir.

19 Q. All right. Now, isn't it true, sir, that  
20 you and -- that your office, and by your office I  
21 mean the Tunica County Sheriff's Department, had an  
22 open investigation into Mr. Thompson, Mr. Michael  
23 Thompson, prior to February 12th of 2014?

24 A. That is true.

25 Q. Tell me what the nature of that

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1 investigation is.

2 A. The nature of that investigation, I had  
3 citizens reporting to my office that Michael  
4 Thompson, who was the county administrator at that  
5 time, gave a contract to his brother. And we went to  
6 a page and it showed that Thompson and Wiley had a  
7 business, Wiley being the CEO of the business and  
8 Thompson being an officer and auditor of the  
9 business. We looked into that information and that's  
10 a different thing than what his claim is now.

11 Q. I'm aware of that.

12 A. I want to clear that up. You're aware of  
13 that. Okay. The citizens raised questions about  
14 that. And our job was to -- my job was to look into  
15 it as sheriff and make sure that the county taxpayers  
16 wasn't being robbed when it comes to frivolous  
17 contracts.

18 Q. Okay. The Thompson -- I mean, did you ever  
19 institute charges against Michael Thompson for this  
20 investigation that you had against him?

21 A. No, I did not.

22 Q. Did you ever find any wrongdoing associated  
23 with that investigation?

24 A. We was building. No. We was building that  
25 to give to the ethics commission concerning that.

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1           Q. Did you ever file a report to the ethics  
2 commission about the activities you were  
3 investigating on Michael Thompson?

4           A. I filed a report with the attorney  
5 general's office, met with the ethics commission. We  
6 had a round table discussion on this and they  
7 proceeded with that investigation.

8           Q. Did it ever result in charges being levied  
9 against Mr. Michael Thompson?

10          A. No, it did not. But they came to Tunica  
11 County, the state auditor's office, and they pulled a  
12 lot of information. So things could be ongoing. I  
13 do not know. My job is to report.

14          Q. Is your investigation in that matter  
15 concluded?

16          A. Can you expound on that question?

17          Q. Have you ended your investigation into the  
18 Michael Thompson allegations that came from citizens?

19          A. I gathered all that I could and I passed it  
20 on to the appropriate authorities to move forward,  
21 with the state auditor's office and the ethics  
22 commission and the attorney general's office.

23          Q. So your portion of that investigation has  
24 concluded?

25          A. Yes.

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1 Q. All right. Now, did you find that Michael  
2 Thompson had given a contract to his brother?

3 A. Yes. It's in the minutes. Well, I don't  
4 know if that was his brother or not. I gave it to  
5 the other agencies. I sat there at the board table  
6 when they reappoint things and will give contracts to  
7 them. So once they agreed to hire his business  
8 partner, Mr. Alex Wiley, then that's when --

9 THE COURT REPORTER: Alex Wiley?

10 THE WITNESS: Alex T. Wiley. I don't  
11 know if he's a junior or the third. But those  
12 questions was raised and I started getting complaints  
13 from the citizens. And I got what I collected, you  
14 probably have a copy of the e-mails and web page of  
15 his business. Do you have copies of those things?

16 Q. (Mr. Tanner) Uh-huh (Indicating yes).

17 A. Okay. So I forwarded those to the ethics  
18 commission, attorney general's office and state  
19 auditor's department and I was hands off. Once that  
20 was done I was hands off.

21 Q. Who else in your department was  
22 participating in that investigation?

23 A. At that time, I'm sure -- this is something  
24 that I looked at personally and I called a meeting  
25 with those groups.

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1           Q. All right. In any way, was Captain James  
2 Jones participating in that investigation?

3           A. He was.

4           Q. Okay. Captain James Jones, is he -- you  
5 mentioned earlier that the licenses are run pursuant  
6 to your fleet management safety -- fleet safety  
7 management policy?

8           A. That's correct.

9           Q. By Lieutenant Guice and Ms. Evelyn Paige?

10          A. Right.

11          Q. It was not normal for Captain James Jones  
12 to run licenses as part of that fleet safety  
13 management policy, is it?

14          A. If a flag was raised, a person had a  
15 warrant or a suspended license or what have you, then  
16 it would come to our warrant division or special  
17 operations. Captain Jones was in charge of special  
18 operations at the time. We had a guy named Alvin  
19 Harris, who was the maintenance director, he had a  
20 charge come up in DeSoto County during the same time  
21 for burglary and he was arrested and transported to  
22 DeSoto County.

23          Q. Okay. As of February 12, 2014, did Michael  
24 Thompson have a valid warrant out for his arrest?

25          A. I called personally Carroll County clerk

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1 once I was alerted that Thompson had a suspended  
2 driver's license based on my training and experience  
3 that something else was in place. And I called  
4 Carroll County. They confirmed with me that Michael  
5 Thompson had a warrant. And I told them that this  
6 guy is in my county every day and if they sent a  
7 warrant over I'm sure it probably could be served and  
8 we'll bring it to his attention.

9 Q. Did you ever receive a copy of a warrant  
10 from Carroll County?

11 A. The clerk confirmed that once the judge  
12 signed his signature to this warrant that he would  
13 send it to us.

14 Q. All right.

15 A. And that was that.

16 Q. My question is whether you ever received a  
17 copy of a valid warrant that had been issued for  
18 Michael Thompson's arrest?

19 A. Not that night. Because Ellis Pittman, who  
20 is now deceased, had gotten involved and somehow the  
21 warrant was stopped that night, the warrant was  
22 stopped once they were supposed to be faxing it over.  
23 And I don't want to lose my train of thought. The  
24 county attorney at the time, Ellis Pittman, had  
25 gotten involved. And I'm sure you received the

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1 footage on that as well.

2 Q. My question, sir, is whether you ever  
3 received from Carroll County a valid warrant for  
4 Michael Thompson's arrest?

5 A. Not that night. I had to call the attorney  
6 general's office to go get that information, and  
7 which they did.

8 Q. All right. When did you receive a valid  
9 warrant for Michael Thompson's arrest?

10 A. I never received a valid warrant because it  
11 was stopped.

12 Q. So you've never to this day received a  
13 valid warrant for Michael Thompson's arrest?

14 A. What I received was a transcript of a  
15 warrant that was created without the judge's  
16 signature that the attorney general's office went and  
17 got for me.

18 Q. And you're aware that if a judge does not  
19 sign a warrant it is not valid, right?

20 A. I am totally aware of that.

21 Q. Okay. Do you know when the warrant, the  
22 invalid warrant you received, or I guess -- I'm not  
23 sure if you can call it a warrant at all. Whatever  
24 document you received that purported to be a warrant,  
25 do you know when that document was created, sir?

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1 A. Do you have a copy, Mr. Wolf?

2 MR. WOLF: No, I don't.

3 A. I have a copy with me if I can go get it.

4 Q. (Mr. Tanner) Please do.

5 A. Okay.

6 (Pause in proceedings.)

7 A. Here I hold a copy of a warrant that was  
8 created, Case Number 006085, Case Number 006085.  
9 This warrant was created and cut on February 12,  
10 2014, on Michael Thompson. Have you seen that  
11 document before from Carroll County?

12 MR. WOLF: A copy of that was provided  
13 in disclosures.

14 Q. (Mr. Tanner) Do you want to sit down? I  
15 mean, it's your office.

16 A. Okay. No problem.

17 Q. Thank you. All right. So you keep saying  
18 Carroll County. Do you mean Montgomery County?

19 A. Montgomery County. I'm sorry.

20 Q. So every answer you've given us where you  
21 claim to have called Carroll County you actually mean  
22 Montgomery County.

23 A. Montgomery County. Thank you, sir. Thank  
24 you, ma'am, if you can correct that for me. It has  
25 been a long time, sir.

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1 Q. That's fine. Now, I hold in my hand what  
2 you're calling to be the warrant that you received?

3 A. An abstract. An unsigned warrant document  
4 that was created on the above date and time of  
5 Michael Thompson's arrest showing the same date of  
6 Michael Thompson's arrest. It's an abstract from  
7 their court that was provided to me from the  
8 Mississippi Attorney General's Office.

9 Q. So the Mississippi Attorney General's  
10 Office sent this to you on what date?

11 A. They had an investigator, I can't think of  
12 his name. He's in my notes. He did an investigation  
13 into this matter and he brought me this from Carroll  
14 County -- I'm sorry, Montgomery County. I can't -- I  
15 don't remember the date, but he did go and get all  
16 this information.

17 Q. So you never got this prior to, this  
18 document in my hand, you never got this prior to  
19 Michael Thompson's arrest on February 12, 2014?

20 A. Not until the local attorney got involved.  
21 Michael Thompson had posted bail, so my thing was to  
22 call the Mississippi Attorney General's Office  
23 because that warrant was stopped.

24 MR. TANNER: Okay. At this time I  
25 would ask that this be marked as Exhibit A or 1 to

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1 this deposition.

2 MR. WOLF: Hold on. We'll make a  
3 copy.

4 (Off record discussion.)

8 Q. (Mr. Tanner) Sir, the document we've been  
9 referencing, which has now been marked as Exhibit 1,  
10 this is what you say, what you've said is the  
11 purported warrant in this case. Now, do you see that  
12 Exhibit 1 is dated February 12 of 2014?

A. That's correct.

14 MR. WOLF: Object to the form of the  
15 question. I think it misstates the prior testimony,  
16 but answer the question if you can.

17           A.     Yes. I see that warrant dated February 12,  
18        2014.

19 Q. (Mr. Tanner) Now, you're calling it a  
20 warrant, but you've already acknowledged that a  
21 warrant is not valid unless it's signed by a judge;  
22 is that right?

A. That's correct.

24 Q. And that document is not signed by a judge,  
25 is it?

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1 A. That's correct.

2 Q. Now, there are two handwritten words on  
3 this document that say void.

4 A. Right.

5 Q. You see those two markings, sir?

6 A. I do.

7 Q. All right. Do you know who marked void on  
8 that warrant or on this document?

9 A. I wouldn't know. It came from Montgomery  
10 County.

11 Q. Okay. Was this at all part of the basis  
12 for which Mr. Thompson was arrested on February 12th,  
13 2014?

14 A. I would say yes.

15 Q. Okay. When were you told that this  
16 document existed, Exhibit 1?

17 A. I guess the 11th or the 12th.

18 Q. The 11th or the 12th of February 2014?

19 A. If my memory serves me correctly, that's  
20 when I talked to the clerk.

21 Q. Either on February 12th or 11th of 2014?

22 A. That's correct.

23 Q. All right. But you did not receive that  
24 document from them on either of those dates, right?

25 A. No.

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1 Q. Who did you communicate -- did you  
2 communicate to anyone that there was a warrant out  
3 for Michael Thompson's arrest?

4 A. I spoke with Lieutenant Jones. That's who  
5 confirmed there was a warrant on Thompson.

6 Q. When you say Lieutenant Jones, is that the  
7 same --

8 A. I'm sorry. Captain Jones.

9 Q. All right. So you meant -- what you meant  
10 to say was that you told Captain James Jones that  
11 there was a warrant out for Michael Thompson's  
12 arrest?

13 A. That's correct.

14 Q. And you said you asked --

15 MR. WOLF: Objection. Vague as to  
16 time.

17 Q. (Mr. Tanner) All right. That happened on  
18 February 12, 2014?

19 A. The Eleventh or the Twelfth. I'm sure it  
20 was probably the morning of the 12th.

21 Q. That's when you told Captain James Jones  
22 that there was a warrant for Michael Thompson's  
23 arrest?

24 A. Yes.

25 Q. All right. You said you asked Captain

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1 Jones to confirm the existence of a warrant; is that  
2 correct?

3 A. No. I confirmed that.

4 Q. Okay. So you just told him about the  
5 warrant?

6 A. Yeah. I told him that there was a warrant  
7 on Michael Thompson and that was that.

8 Q. All right. Did you notice -- or do you  
9 know why Michael Thompson's, why a warrant was issued  
10 for Michael Thompson's arrest?

11 A. According to the court clerk he had an  
12 arrears in Montgomery County and he failed to go to  
13 court and they issued a warrant, they was going to  
14 issue a warrant.

15 Q. All right. Do you know when it was that  
16 Michael Thompson missed his court date?

17 A. All of that is in a file, sir. I do have  
18 those abstracts.

19 Q. Do you want to get those for us?

20 MR. WOLF: If you have a question  
21 about a document, you don't need to present any  
22 documents. Let's save our time here.

23 THE WITNESS: Thank you.

24 MR. WOLF: If there's any specific  
25 documents, if your memory recalls it, go ahead and

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1 share what your memory recalls about them. If you  
2 want to present some documents to him, present the  
3 documents, but we're not going to go --

4 A. Mr. Thompson had an arrears in Montgomery  
5 County that led them to create such an abstract  
6 that's before me that show a cause and a case number,  
7 0060851, which reads Justice Court Arrest Warrant on  
8 top.

9 Q. (Mr. Tanner) Okay. But whenever that  
10 happened, whenever Michael Thompson had a missed  
11 court date or whenever you say an abstract was  
12 created imposing a fine and a penalty on Michael  
13 Thompson, that date was prior to February 12, 2014,  
14 was it not?

15 A. Yes, sir. Probably a year or better, I  
16 believe.

17 Q. Right. But, ironically, a warrant or what  
18 you claim is a warrant was not created until the day  
19 of or the day after you called over to Montgomery  
20 County; is that right?

21 A. Right. That's the same date.

22 Q. Do you know how Captain James Jones ended  
23 up running the license as part of your fleet safety  
24 management policy if that wasn't normally his job?

25 A. Lieutenant Guice ran the license and I

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1 guess when the flag came up he had a suspended  
2 license, the information was moved from him to --  
3 same thing with Allen Harris. A warrant came up, he  
4 was arrested. If there was a warrant in place  
5 then -- I mean, the law of the land prevailed.

6 THE COURT REPORTER: I didn't  
7 understand what you said.

8 THE WITNESS: The law has prevailed.  
9 No one is above the law.

10 MR. WOLF: Law of the land.

11 THE WITNESS: The law of the land  
12 prevailed. No one is above the law. And any time  
13 you're working in law enforcement, if we have a  
14 warrant or not, they could be from Chicago to New  
15 York, and if the clerk of the court tells us that  
16 they have a warrant in place they're going to send  
17 after that person, then law enforcement acting in  
18 good faith judgment until we get that warrant, we can  
19 hold and detain.

20 Q. (Mr. Tanner) And you normally arrest  
21 people on a warrant even if you never see a copy of  
22 the warrant or anything?

23 A. On a good faith effort. If we speak to the  
24 agency or courts and they say they have a warrant on  
25 the way, yes, we hold and detain until we get that

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1 warrant in hand.

2 Q. Can you think of anybody else you've done  
3 that to?

4 A. I've been here 13 years. Where do you want  
5 me to start at?

6 Q. Give me a name.

7 A. I can't give you a name, but you can  
8 subpoena every record I've got here though.

9 Q. But as we sit here today --

10 A. We're taking about Michael Thompson today.

11 Q. No. We're talking about whatever I ask  
12 you. My question, sir, is as we sit here today  
13 during this deposition, you can't name me one other  
14 person for who you arrested without seeing the  
15 warrant first when somebody tells you they have a  
16 warrant?

17 A. Sir, I'm sheriff of the county. I have a  
18 chief deputy in place. I don't run the day-to-day  
19 operations of the sheriff's office. This is an  
20 agency with 100 plus employees here both sworn and  
21 civilian. Now, you have full access to our records  
22 and I'm sure you will find --

23 MR. WOLF: I'm going to object to  
24 volunteering full access. You have access according  
25 to our discovery.

MR. TANNER: We'll accept the full access, Mike.

MR. WOLF: Well, it's not being granted or offered.

MR. TANNER: Thank you.

Q. (Mr. Tanner) So my question now is, you said there are other instances but you just can't name any personally, right?

A. Right.

Q. Okay. All right. Now, as far as Michael Thompson is concerned, you say -- how long have you all been doing these license checks every six months?

A. Since there has been an agency here as far as I'm concerned. I can't speak on what the other sheriff did, but over a decade I have.

Q. Over a decade?

### A. A decade.

Q. Have you had any other situations where city employees were discovered to have suspended licenses when y'all did these checks?

A. I'm sure we have. Yes, sir.

Q. Can you give me any examples?

A. I can't give you an example. I'm sure we have. Trust me, sir, it has been over a decade. So you're asking me something, I could be wrong if I

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1        answered that what you're asking me in a certain way.  
2        But I'm positive that I'm right. I've been here a  
3        long time. And, sure, employees come up suspended.  
4        I can't tell you how other agencies handle theirs.

5           Q. Let me ask you more directly. So what  
6        you're saying is that you have run these six-month  
7        checks pursuant to your fleet safety management  
8        policy and you have had employees who through those  
9        license checks you discovered had suspended licenses?

10          A. Yes.

11          Q. All right. Now, any of those other people  
12        who had those suspended licenses, did you then go out  
13        and arrest those people based on the fact that they  
14        had a suspended license?

15          A. I did not go out to arrest anyone. But if  
16        they was driving a vehicle and was stopped by law  
17        enforcement, I'm sure they was arrested.

18          Q. My question is different though. Have you  
19        ever discovered through your license check policy  
20        that someone who worked for the county had a  
21        suspended license and as a result of that you went  
22        out and arrested them?

23          A. I did not.

24          Q. Have you ever had an officer working under  
25        your supervision with the Tunica County Sheriff's

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1 Department who went out and arrested one of the  
2 county employees after you learned that that person  
3 had a suspended license?

4 A. A warrant. A warrant. Yes, sir. Not  
5 suspended license.

6 Q. I'm not asking about a warrant. I'm asking  
7 about a suspended license.

8 A. Well, I'm telling you if they had a  
9 warrant, yes, sir. I don't know anything about the  
10 suspended license other than what was given to me.

11 Q. You don't know if any of your deputies or  
12 any of your law enforcement personnel have gone out  
13 and arrested someone for a suspended license  
14 violation when your license checks revealed that that  
15 employee or any of those employees had a suspended  
16 license?

17 A. Sir, if they were operating a car at the  
18 time, I'm sure they was arrested.

19 Q. Okay. And you can't give us any names of  
20 those folks, can you?

21 A. No, sir. I'm sure we got a record of it.  
22 We keep a record of it.

23 Q. Do a lot of people get stopped in this  
24 county for suspended licenses?

25 A. Yes.

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1 Q. Is that a frequent occurrence by your  
2 sheriff's deputies --

3 A. Yes.

4 Q. -- to arrest people for suspended licenses?

5 A. Yes.

6 Q. When you say frequent occurrence, about how  
7 many, to the best of your recollection, do you have a  
8 year?

9 A. So many a day.

10 Q. How many a day?

11 A. I don't know.

12 Q. So almost on a daily basis you arrest  
13 multiple people for suspended licenses?

14 A. That is correct, sir. We got a jail log  
15 you could look at it.

16 Q. Would you like to produce that?

17 A. If you provide funding for the copies.

18 MR. WOLF: Send us an interrogatory  
19 request for production and we'll respond according to  
20 the rules.

21 Q. (Mr. Tanner) When Mr. Thompson was  
22 arrested, did you receive a call from Captain James  
23 Jones letting you know that Mr. Thompson had been  
24 arrested?

25 A. I was off that night. I was off eating.

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1 And a call came, I don't know if it was the dispatch  
2 or somebody first probably called me and told me  
3 Thompson had been arrested on a suspended license.  
4 Then I received a call later from Captain Jones, he  
5 said the county attorney, Ellis Pittman, was here  
6 representing Michael Thompson.

7 Q. My question to you, sir, is whether you got  
8 a call from Captain James Jones --

9 A. Later that night I did. Yes, sir.

10 Q. -- to tell you -- let me finish my  
11 question, please. Did you get a call from Captain  
12 James Jones on February 12, 2014, during which  
13 Captain Jones told you that he arrested Michael  
14 Thompson for having a suspended license?

15 A. Yes, I did.

16 Q. Now, you said -- where exactly were you  
17 when you received that call?

18 A. I was at the Hotel Marie located in  
19 Downtown Tunica eating.

20 Q. Okay. So you got that call on your cell  
21 phone, I presume?

22 A. Yes, I did.

23 Q. Was that a personal cell phone or a  
24 county-issued cell phone?

25 A. A county-issued cell phone.

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1 Q. What's the phone number, sir?

2 A. 662-910-0492.

3 Q. 0492?

4 A. That's correct.

5 Q. Is that the phone number you received the  
6 call on on February 12th, 2014?

7 A. That's correct.

8 Q. From Captain James Jones?

9 A. That's correct.

10 Q. Telling you that he had arrested Michael  
11 Thompson?

12 A. That's correct. And also I received a call  
13 from the attorney, Ellis Pittman.

14 Q. Do you know, does Captain -- on that date,  
15 February 12, 2014, do you know whether Captain Jones  
16 had a county-issued vehicle?

17 A. He did. Yes, sir.

18 Q. Was it a marked vehicle or an unmarked  
19 vehicle?

20 A. Unmarked vehicle. Special operations drive  
21 unmarked vehicles.

22 Q. All right. Do your vehicles in Tunica  
23 County, your patrol or fleet vehicles in Tunica  
24 County, the ones that are used by your sheriff's  
25 department officials, are they equipped with

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1 audio-video recording devices?

2 A. Yes, sir.

3 Q. Would that include the vehicle that Captain  
4 James Jones was in that night?

5 A. No, sir. Just radio communication, not  
6 audio or surveillance equipment.

7 Q. So he can't -- so Captain Jones' car cannot  
8 record what goes on in traffic while he's on patrol?

9 A. Not the unmarked vehicles.

10 Q. Okay. All right. Had you discussed  
11 arresting Michael Thompson prior to his actual  
12 arrest?

13 A. I did not.

14 Q. So you and Captain Jones discussed a  
15 warrant but you didn't discuss the arrest?

16 A. Absolutely. I discussed the warrant, that  
17 there was a potential warrant there in Montgomery  
18 County.

19 Q. So now is it a potential warrant or is it a  
20 warrant?

21 A. A warrant. That's what was told to me.

22 Q. So potential was a mistake that you just  
23 stated.

24 A. Potential was a mistake.

25 Q. Do you know who was driving the vehicle

1       that -- are you aware that Captain Jones initiated  
2       two traffic stops of the vehicle in which Michael  
3       Thompson was traveling that night, February 12, 2014?

4           A. I was not familiar with the stop that  
5       night. I learned all of that after the stop that you  
6       just asked me.

7           Q. Okay. So you now know that there were two  
8       stops of that vehicle?

9           A. I know now.

10          Q. All right. And do you know who was driving  
11       during the first stop of the vehicle?

12          A. According to what I learned, Alex Wiley was  
13       the driver, according to what I learned.

14          Q. Do you know whether Alex Wiley was issued  
15       any kind of citation or tickets for anything, any  
16       traffic ordinance he violated?

17          A. What I learned, no. But what I learned was  
18       he ran Alex Wiley's driver's license and it came back  
19       eligible for reinstatement. I learned that while he  
20       was interviewing Alex Wiley. Michael Thompson asked  
21       Captain Jones, "Do you know who I am? Do you know  
22       who I am?" And meanwhile, they was on the phone with  
23       dispatch trying to see did Thompson -- no, Wiley have  
24       a valid driver's license. But it was not confirmed  
25       that his license was valid that night. Now, I cannot

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1 articulate his stop. He will have to do that. I'm  
2 telling you what was told to me.

3 Q. All right. Would it surprise you to know  
4 and haven't you testified before that what dispatch  
5 said was that his license came back valid, eligible  
6 for reinstatement?

7 A. No.

8 Q. Okay.

9 A. I got a document of that too.

10 Q. So that would surprise you to hear that?

11 A. That would surprise me, but I have a  
12 document based on the conversation that the  
13 lieutenant had with the Memphis, Tennessee, people.  
14 That means that he had some -- he had -- he was  
15 eligible to be reinstated. But there were some other  
16 things out there, so his license would have shown  
17 unlicensed. But because they did not discover that  
18 that night, on what was told to me, he gave him a  
19 professional courtesy. But Michael Thompson asked,  
20 "Do you know who I am?" Again, he would have to  
21 articulate his entire stop. I can't do that.

22 Q. Right. Because you weren't there?

23 A. I wasn't there.

24 Q. All right. When did you get this document  
25 from Memphis saying that the license was not valid?

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1           A. When the investigation started and the  
2 complaint on Michael Thompson, when he filed the  
3 complaint, that's when the lieutenant, they started  
4 their investigation. And it's in writing who she  
5 spoke with. I can get that document for you if you  
6 want me to copy that as well.

7           Q. Sure.

8           MR. WOLF: We'll supplement the record  
9 with that. We'll supplement. Just send us an  
10 interrogatory request for production. There's no  
11 request for any particular documents be provided  
12 today.

13          A. This office have nothing to hide. I want  
14 you to know we're straightforward, we're a  
15 professional agency.

16          MR. TANNER: Can I finish my depo? I  
17 mean, you're free to make -- I'm just saying.

18          MR. WOLF: Let's just answer his  
19 questions as they come and then we'll worry about  
20 documents later on and he'll make requests as needed.  
21 We'll handle it that way.

22          THE WITNESS: Okay.

23          Q. (Mr. Tanner) All right. How many  
24 conversations did you have with people outside of  
25 your department about Michael Thompson's driver's

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1 license issue?

2 A. Other than the attorneys, Mr. Pittman, we  
3 had conversations.

4 Q. Prior to the arrest?

5 A. Nobody.

6 Q. All right. So you did -- the lady in  
7 Montgomery County would count as one, right?

8 A. She would count as one.

9 Q. All right. Are there any others?

10 A. No.

11 Q. All right. And inside your department  
12 prior to the arrest, who else did you discuss the  
13 warrant issue with concerning Michael Thompson's  
14 license?

15 A. Captain Jones.

16 Q. And no one else?

17 A. No one else.

18 Q. Okay. Was there anything special about  
19 your arresting Michael Thompson?

20 A. Nothing special.

21 Q. All right. Did you think anything was  
22 significant about arresting him?

23 A. Nothing. No, sir.

24 Q. Nothing at all?

25 A. Nothing significant.

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1           Q.     The fact that he was county administrator  
2     of Tunica County was not significant to you?

3           A.     It wasn't significant. I think what was  
4     significant is that the dispatcher, when we do the  
5     records check for the police safety, in the past we  
6     would check people. And he drive a county vehicle,  
7     so he left himself off of the check. So if he was  
8     operating a vehicle, he had the right to be checked  
9     too.

10          Q.     My question is, was there anything  
11     significant or special to you about the fact that you  
12     arrested the Tunica County Administrator?

13          A.     No, sir.

14          Q.     Not nothing whatsoever?

15          A.     No, sir.

16          Q.     Who sets the policies and procedures for  
17     Tunica County Sheriff's Department?

18          A.     I do.

19          Q.     All of the policies and procedures come  
20     from you?

21          A.     Yes, sir.

22          Q.     For the Tunica County Sheriff's Department?

23          A.     Yes, sir.

24          Q.     What about the job roles and  
25     responsibilities of each of your sheriff's department

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1 employees, who sets those roles and responsibilities?

2 A. I do.

3 Q. Who insures that those roles and  
4 responsibilities meet expectations?

5 A. The chief deputy and the command staff.

6 Q. All right. And do you take any  
7 responsibility for people doing their job according  
8 to the policies and procedures that you set?

9 MR. WOLF: Object to the form of the  
10 question. The context of the question, I didn't  
11 understand the word responsibility. It could mean  
12 any range of things.

13 MR. TANNER: That's fair.

14 Q. (Mr. Tanner) Do you hold people  
15 accountable within your department to live up to the  
16 policies and procedures that you set?

17 A. Yes, sir.

18 Q. Do you have a media policy?

19 A. Yes, sir.

20 Q. Do you have a policy on press releases?

21 A. Yes, sir.

22 Q. All right. Did you issue, you or your  
23 office issue a press release concerning the arrest of  
24 Michael Thompson?

25 A. Mr. Pittman, who is now deceased, did all

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1 of that. So if you ask me I would say no, sir.

2 Q. My question to you is whether anybody in  
3 your office issued a press release concerning the  
4 arrest of Michael Thompson?

5 A. After the question was raised, I believe I  
6 authorized it. Yes, sir.

7 Q. You authorized a press release from your  
8 office concerning the arrest of Michael Thompson?

9 A. After the question was raised from our  
10 county attorney, Mr. Pittman, who went on the news  
11 first, then it came to me.

12 Q. Did your office issue a press release, sir,  
13 concerning the arrest of Michael Thompson?

14 A. Yes, it did. It became public record after  
15 the arrest.

16 THE COURT REPORTER: Excuse me. After  
17 the --

18 THE WITNESS: After an arrest is made  
19 on anyone, it becomes public record. And  
20 Mr. Pittman, the county attorney, initiated that.

21 Q. (Mr. Tanner) What do you mean when you say  
22 he initiated it?

23 A. He initiated the media blitz and all this  
24 kind of stuff.

25 Q. All right. So as a result of that, what

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1 did you do?

2 A. The media, I guess, contacted me and we  
3 have to concur that Michael Thompson was arrested.

4 Q. You mean the media contacted you and you  
5 just confirmed with them that Michael Thompson was  
6 arrested?

7 A. Was arrested.

8 Q. You do understand that saying that in  
9 response to a question is different than issuing a  
10 press release, right?

11 A. It has been going on for a while, sir. I  
12 have to reflect back on my records.

13 Q. Do you check your own press release log,  
14 sir?

15 A. I do.

16 Q. Do you know even as we sit here today  
17 Michael Thompson as county administrator being  
18 arrested, a press release from your office issued on  
19 February 13, 2014, is still to this day on your  
20 website, sir?

21 A. I mean, you can Google those things. It  
22 shouldn't be on my website. Well, let me take that  
23 back.

24 Q. Please do.

25 A. Let me take that back. Please do. Once a

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1 person is arrested it becomes public record. So  
2 whatever news media is out there, all those things  
3 that have taken place in Tunica County that we  
4 created for that website is still there.

5 Q. I'm not talking about what somebody can  
6 Google. I'm asking if on your website, sir, your  
7 department's website if there is listed a press  
8 release for the arrest of Michael Thompson?

9 A. Okay. Is there, like every other release.

10 Q. That's fair.

11 A. Okay.

12 Q. Now, you said you get multiple people  
13 arrested every day in Tunica County by your  
14 department --

15 A. Right.

16 Q. -- for driving with a suspended license?

17 A. Right.

18 Q. How many of those people, those multiple  
19 people every day arrested for having a suspended  
20 license are posted on your website, sir, other than  
21 Michael Thompson?

22 A. They are posted daily.

23 Q. Okay.

24 A. Any arrest in Tunica County is posted  
25 daily. Look under the inmate log.

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1 Q. Is it against your policy to allow people  
2 to drive vehicles, sir, if you catch a person who has  
3 got a suspended license?

4 A. Yes.

5 Q. All right. So if someone -- if an officer  
6 knows that someone has a suspended license in your  
7 department where you make sure people don't violate  
8 your policies, they're not supposed to let that  
9 person drive; is that right?

10 A. That's correct.

11 Q. Do you know whether Captain Jones, based on  
12 if nothing else what you told him, knew that Michael  
13 Thompson's license had been suspended at the time he  
14 arrested him?

A. Ask me that question again, sir.

16 Q. Yes, sir. Do you know whether Captain  
17 James Jones knew of Michael Thompson's suspended  
18 license at the time he told Michael Thompson that he  
19 needed to drive the vehicle on the night in question?

20 A. He did.

21 MR. WOLF: Object to the form.

22 Assumes facts not in evidence.

23 Q. (Mr. Tanner) So that violates your policy  
24 if he let or told a man to drive a vehicle knowing  
25 that that man had a suspended license?

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1           A. I cannot articulate his stop or what was  
2 said out there, sir. I'm answering the question you  
3 asked me. I cannot articulate the stop or the  
4 conversation between him and Michael Thompson. He  
5 will have to answer that, sir.

6           Q. Do you know what phone number Captain Jones  
7 called you from?

8           A. I don't know, sir. If he called me, it  
9 would be from his department-issued phone at the  
10 time. Again, I have a nice size agency here. And if  
11 you ask me for anyone phone number off the top of my  
12 head based on the technology and communication with  
13 the iPhones now, they have made our brains a little  
14 lazy and we just click on the name and come up with a  
15 number.

16          Q. All right. So I beat you to the punch,  
17 sir. Do you know Captain James Jones' phone number  
18 that he used that night to reach out to you?

19          A. No, sir. He would show up in my phone as  
20 Captain James Jones at the time.

21          Q. You said he was a captain of special ops in  
22 February of 2014, referring to James Jones?

23          A. Yes, sir.

24          Q. Tell us what special ops entails.

25          A. Special ops entails narcotics

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1 investigation, gaming investigations, warrants, human  
2 trafficking, prostitution, pretty much anything where  
3 the law is violated.

4 Q. Couldn't you say the same thing for one of  
5 your regular patrolman deputies?

6 A. Yes.

7 Q. All right. So what makes special ops  
8 different than a regular patrolman deputy?

9 A. It's just a plain clothes officers,  
10 investigators. It's a difference.

11 Q. Is it a promotion over -- I mean, if  
12 someone is a patrolman and they get named captain of  
13 special ops, would that be a promotion? I'm trying  
14 to figure this out.

15 A. He was a supervisor at the time.

16 Q. Okay.

17 A. Yes.

18 Q. Was Captain James Jones promoted during  
19 your tenure as sheriff?

20 A. He was.

21 Q. You issued that promotion to him?

22 A. Yes, I did.

23 Q. When did he get that promotion?

24 A. I have to reflect back on my records, sir.

25 Q. Okay. Is Captain James Jones still in your

1 department?

2 A. He's retired.

3 Q. Okay. When did he retire, sir?

4 A. You have to look into our records, sir. A  
5 lot of employees have came through here.

6 Q. Do you know whether Mr. Alex Wiley was  
7 issued any citations or tickets --

8 A. According to --

9 Q. -- on February 12, 2014?

10 A. According to what I've learned, no, sir.

11 Q. All right. Now, you and -- prior to  
12 February 12, 2014, you and Michael Thompson had a  
13 dispute, did you not?

14 A. I don't call it a dispute.

15 Q. What do you call it, sir?

16 A. We was talking in Thompson's office about  
17 they hadn't paid for the fuel for the Tunica County  
18 Sheriff's Office.

19 THE COURT REPORTER: Excuse me?

20 THE WITNESS: They had not paid for  
21 fuel. We were trying to get some fuel delivered and  
22 I believe they had not paid for fuel. And I asked  
23 him to pay for the fuel. Thompson went on and  
24 started to talk about a budget. And I shared with  
25 him that I don't talk with him about my budget. I

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1 don't talk with him about my budget. The county  
2 administrator has no charge of the sheriff's budget.  
3 The sheriff's office -- the sheriff have exclusive  
4 authority over his budget and personnel. I deal with  
5 the board of supervisors. I always have. I never  
6 meet with the county administrator about budgets. I  
7 meet with the board of supervisors. And I have the  
8 laws and statutes to support me on that. Thompson  
9 had an attitude and he asked me to leave his office  
10 and I left.

11 Q. All right. So is that the only -- you said  
12 you wouldn't call it a dispute. Would you call it a  
13 disagreement?

14 A. It was a disagreement. Well, he probably  
15 disagreed with it. I stated the facts.

16 Q. Sir, haven't you called it a disagreement  
17 in the past?

18 A. Sir, this thing has been going on since --  
19 it has been going on a while. We are in November  
20 2016. We're in November of 2016. This happened in  
21 February 12, '14.

22 Q. Uh-huh (Indicating yes).

23 A. I've handled probably another thousand  
24 issues and another hundred plus meetings since then.  
25 Okay?

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1 Q. Uh-huh (Indicating yes).

2 A. So it's fair for me not to remember  
3 verbatim everything I have said when it comes to --  
4 well, whether it be a disagreement or short talk. If  
5 it was a disagreement, him and I had a disagreement,  
6 yes, you could say that.

7 Q. All right. So the answer is yes, you've  
8 called it a disagreement in the past?

9 A. I don't know what I've called it in the  
10 past.

11 Q. Do you call it a disagreement -- would it  
12 be fair to say now that it was a disagreement?

13 A. I asked him to pay for fuel. He wanted to  
14 talk to me about a budget.

15 Q. He said he had authority over your budget?

16 A. The law states different than what he said.

17 Q. Listen to my question. Did he say he had  
18 some authority over your budget?

19 A. I can't recall. I can't recall that.

20 Q. Did he say he wanted to cut your budget?

21 A. I can recall that.

22 Q. You said you can?

23 A. I can recall that.

24 Q. Okay.

25 A. And the conversation went across he wanted

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1 to cut my budget. I told him I'm not there to talk  
2 about my budget with him. I was there to talk about  
3 a bill being paid.

4 Q. Did he express to you that he had the  
5 authority to cut your budget?

6 A. He expressed that and I referred him to the  
7 law, state statutes.

8 Q. All right. So you disagreed with his  
9 position that he had the authority to cut your  
10 budget?

11 A. Yes. I wasn't having those conversations  
12 with him. I told him to look at the statute. I  
13 don't -- I wasn't going to talk to him about a  
14 budget. I told them to read the law. He was newly  
15 assigned to this position. I told him to read the  
16 law, be familiar with his job, don't try to do my  
17 job. I told him the sheriff have exclusive authority  
18 over his budget and it's the law. I talk with the  
19 board of supervisors, I don't talk with him. I was  
20 just hoping we could pay some bills.

21 Q. When did that conversation occur, sir?

22 A. Prior to his arrest, sometime prior to,  
23 down the road.

24 Q. Was he the county administrator at the  
25 time?